

CRIMINAL APPEAL NO. 56 OF 2001.

Marmagoa Steel Limited,
a corporate body registered
under the Indian Companies
Act, 1956, having its registered
office at Plot No. 280, Eclate,
Curtorim, by its Executive
Director Mr. R.K. Radhakrishna. ... Appellant.

Versus

1. Quantum Industries (India)
Ltd., o/at 108 "B" Mittal
Towers, Nariman Point,
Mumbai-21.
2. Mr. P.L. Dassani, Chairman,
Quantum Industries (India)
Ltd., 108 "B" Mittal Towers,
Nariman Point, Mumbai-21.
3. Mr. Himalaya Dassani,
Managing Director, Quantum
Industries (India) Ltd.,
108 "B" Mittal Towers,
Nariman Point, Mumbai-21.
4. State. ... Respondents.

Mr. S.G. Dessai, Senior Advocate with Mr. Arun Bras De
Sa and Mr. Shivan Dessai, Advocates for the
Appellant.

Mr. S.S. Kakodkar with Mr. R. Tilve, Advocates for the
Respondents 1 to 3.

Mr. S.N. Sardessai, Public Prosecutor for the Respondent
No. 4/State.

Coram : P.V. HARDAS, J.

Date : 25th November 2003.

ORAL JUDGMENT.

This is an appeal filed by the
appellant/original complainant being aggrieved by the
acquittal of the respondents 1 to 3/accused for an
offence under Section 138 of the Negotiable Instruments

Act, as recorded by the Judicial Magistrate, First Class, Margao, by Judgment, dated 5th December 2000, in Criminal Case No. 373/N/97/D.

2. The Criminal Appeal was heard and was reserved for delivering Judgment today. Before the Judgment could be dictated in the open Court, both the learned counsel for the parties have submitted that the dispute between the parties has been amicably settled and the respondent no. 1, in lieu of the dishonoured cheques, which are subject matter of the appeal, has presented the appellant with four cheques drawn on the Global Trust Bank Ltd., Mumbai. The respondents 2 and 3 have also filed undertakings that they would ensure that the cheques presented to the appellant would be honoured. The undertakings are marked 'X-2' and 'X-3' for the purpose of identification. The undertakings are taken on record and accepted. The learned counsel have also filed an application stating therein that the parties have settled their dispute amicably amongst themselves. This application is taken on record and marked 'X-1' for the purpose of identification. The two undertakings are signed by the parties, who are present in Court, and identified by the learned counsel for the respondents 1 to 3.

3. In view of the aforesaid circumstances, Mr.

Dessai, the learned senior counsel appearing on behalf of the appellant, seeks leave of this Court to withdraw the appeal.

4. The Criminal Appeal, in the circumstances, is allowed to be withdrawn and is dismissed as withdrawn.

(P.V. HARDAS)
JUDGE.

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